

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
SOUTHERN DIVISION

TYE ALLEN PINGEON, Plaintiff, vs. DOC, Defendant.	4:20-CV-04137-KES ORDER
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Plaintiff, Tye Allen Pingeon, is an inmate at the South Dakota State Penitentiary in Sioux Falls, South Dakota. Docket 1. On September 24, 2020, Pingeon filed a pro se civil rights lawsuit under 42 U.S.C. § 1983. *Id.* On October 9, 2020, Pingeon filed a motion to proceed in forma pauperis but did not file “a *certified copy* of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint” as is required. 28 U.S.C. § 1915 (emphasis added); *see* Dockets 3, 4. On October 26, 2020, the Clerk of Court resent a blank Prisoner Trust Account Report with instructions to Pingeon. More than a month has passed, and Pingeon has failed to file a completed Prisoner Trust Account Report.

The court will provide Pingeon an additional thirty days to file “a certified copy of the trust fund account statement (or institutional equivalent) for the prisoner for the 6-month period immediately preceding the filing of the complaint.” 28 U.S.C. § 1915(a)(2). Failure to comply with this order and submit a certified Prisoner Trust Account Report by the deadline set will result in dismissal without prejudice of this action. *See In re Prison Litig. Reform Act*, 105 F.3d 1131, 1132

(6th Cir. 1997) (“If an inmate not paying the full filing fee fails to provide an affidavit of indigency or trust account statement, the district court shall notify the prisoner of the deficiency and the prisoner shall have thirty (30) days from the date of the deficiency order to correct the error or pay the full filing fee. If the prisoner does not comply with the district court’s directions, the . . . district court must then order the case dismissed for want of prosecution.”); *see also Perry v. Boston Sci. Family*, 2012 WL 694713, at *2 (D. Minn. Feb. 9, 2012), *report and recommendation adopted*, 2012 WL 694700, at *1 (D. Minn. Mar. 1, 2012) (collecting cases holding dismissal appropriate when pro se litigant fails to comply with pauper requirements and court orders).

Thus, it is

ORDERED that the Clerk of Court mail this order and a second blank copy of a Prisoner Trust Account Report to Pingeon.

IT IS FURTHER ORDERED that Pingeon will complete the Prisoner Trust Account Report according to that document’s directions and return it by **Wednesday, December 30, 2020**. Failure to file the Prisoner Trust Account Report by **Wednesday, December 30, 2020**, will result in dismissal without prejudice of the complaint.

Dated November 30, 2020.

BY THE COURT:

/s/ Karen E. Schreier

KAREN E. SCHREIER
UNITED STATES DISTRICT JUDGE